

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 202003221	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 05/11/2020 10:29 AM	Location of Incident: § 87(2)(b)	Precinct: 94	18 Mo. SOL 11/11/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 05/11/2020 4:08 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 05/11/2020 4:08 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Velez	10664	934241	094 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Donald Frost	02663	948988	094 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jason Velez	Abuse: Police Officer Jason Velez threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
B.POM Jason Velez	Discourtesy: Police Officer Jason Velez spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.POM Jason Velez	Discourtesy: Police Officer Jason Velez acted discourteously toward § 87(2)(b)	§ 87(2)(b)
D.POM Jason Velez	Discourtesy: Police Officer Jason Velez acted discourteously toward § 87(2)(b)	§ 87(2)(b)
E.POM Jason Velez	Discourtesy: Police Officer Jason Velez spoke discourteously to § 87(2)(b)	§ 87(2)(b)
F.POM Jason Velez	Discourtesy: Police Officer Jason Velez acted discourteously toward § 87(2)(b)	§ 87(2)(b)
G.POM Jason Velez	Discourtesy: Police Officer Jason Velez acted discourteously toward § 87(2)(b)	§ 87(2)(b)

Case Summary

On May 11, 2020, § 87(2)(b) filed this complaint with the CCRB via the agency's website.

On May 11, 2020, at approximately 10:29 a.m., PO Jason Velez and PO Donald Frost of the 94th Precinct entered the CVS pharmacy located at § 87(2)(b) in Brooklyn. PO Velez approached § 87(2)(b) a pharmacy employee, and asked her about her facial piercing before unfolding and showing her a knife and telling her he wanted to cut her piercing off (**Allegation A: Abuse of Authority**, § 87(2)(g) (**Allegations B and C: Discourtesy**, § 87(2)(g) PO Velez asked § 87(2)(b) if she enjoyed pain and being "smacked/slapped" around and hit. PO Velez then approached § 87(2)(b) a front store associate and touched her arm. PO Velez told her she was cute and beautiful, asked for her ethnicity, and invited her to touch his bulletproof vest (**Allegations D and E: Discourtesy**, § 87(2)(g) PO Velez allegedly stared at § 87(2)(b) breasts (**Allegation F: Discourtesy**, § 87(2)(g) PO Velez and PO Frost left after completing paperwork.

At approximately 2:45 p.m. on the same day, PO Velez returned to the CVS to insist that § 87(2)(b) speak to him and reached toward § 87(2)(b) in an attempt to grab her (**Allegation G: Discourtesy**, § 87(2)(g)

No arrests or summonses were made during this incident.

Video footage was obtained from surveillance cameras at the CVS via CVS' Legal Department (BR 01). Impertinent video footage was obtained from the body-worn cameras (BWCs) assigned to PO Jose Rivera, PO Frost, and PO Velez via the NYPD Legal Bureau (BR 23-26).

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Jason Velez threatened § 87(2)(b) with the use of force.

Allegation B – Discourtesy: Police Officer Jason Velez spoke discourteously to § 87(2)(b)

Allegation C – Discourtesy: Police Officer Jason Velez acted discourteously toward § 87(2)(b)

Footage from the "Rx Register 1 2" surveillance camera at the CVS addresses these allegations (BR 01). Though it has no audio, it depicts PO Velez displaying a knife to § 87(2)(b). The on-screen timestamps will be referenced due to lack of durational timestamp in the player. At 10:29:35 AM, PO Velez approaches § 87(2)(b) at the right-most register at the pharmacy. They appear to speak, and § 87(2)(b) touches the bottom of her face with her left hand. PO Velez points to his own face. He is wearing a facemask but appears to reference the space between his nose and mouth. § 87(2)(b) touches her face again as they continue to appear to speak to each other. At 10:30:08 AM, PO Velez reaches his right hand to his right hip. He fumbles with something near his hip and duty belt on his right side and uses both hands. At 10:30:18 AM, PO Velez appears to unfold and open a knife. He holds it at chest-level, extending his right arm toward § 87(2)(b). At 10:30:21 AM, PO Velez appears to fold and closes the knife as he touches his face mask with his left hand. He moves his right hand back to his right hip and is no longer holding the knife by 10:30:30 AM. PO Velez continues speaking to § 87(2)(b) as she continually faces away from him and to the left. She walks to the right off-frame briefly at 10:30:59 AM as PO Velez still appears to be speaking to her. At 10:31:08 AM, § 87(2)(b) returns to PO Velez at the register and they appear to continue speaking until PO Velez walks away at 10:31:22 AM. The pertinent footage is also found in a video clip extracted from the original source using the SnagIt Application (BR 02).

§ 87(2)(b) was a pharmacy technician working at one of the pharmacy's registers at the CVS at the time of the incident (BR 03). Her colleague, § 87(2)(b) stood several feet behind her. PO Velez approached the register and stared at § 87(2)(b) until she asked if she could help him. PO Velez told her she had something on her face. § 87(2)(b) told him it was probably a pimple. PO Velez disagreed and asked what she had under her nose. § 87(2)(b) who has a philtrum piercing in the groove between her nose and lip with a silver ball stud, told him it was a piercing. PO Velez told § 87(2)(b) that he did not like it, and that he wanted to cut the piercing off her. PO Velez reached toward his duty belt at his right hip and lifted a folded knife in his hand in front of his person. He opened the blade from the handle and told her again, "Let me cut it off, I want to cut it off." PO Velez seemed to be "jokingly aggressive" and playful when he stated this. § 87(2)(b) looked at the knife for less than a second and stated something along the lines of, "Um, ok," and turned her attention back to the work she was doing at the register. She did not see PO Velez holding the knife again and was not sure when he put it away because she was focused on her work. PO Velez asked § 87(2)(b) "It must have hurt, right?" § 87(2)(b) looked up and told him it did as it was one of the most painful piercings. PO Velez told her, "You like pain, right? You like being slapped/smacked around and hit? You should become a police officer and join the police academy." § 87(2)(b) confused with seeing the knife and PO Velez' talk of violence and asking if she liked being hit, told him that her mom did not think she would make a good police officer. PO Velez stated, "What do moms know? They don't know anything." § 87(2)(b) was confused and uncomfortable with speaking to PO Velez, so she walked away from the register behind the pharmacy.

§ 87(2)(b) was employed as a pharmacy technician at CVS at the time of the incident and was working in the pharmacy several feet from § 87(2)(b) at a register (BR 04). PO Velez approached § 87(2)(b). It seemed like a normal conversation since the CVS is patronized by many officers from the nearby 94th Precinct stationhouse. § 87(2)(b) attention was first drawn to their conversation when he observed PO Velez display a knife in front of § 87(2)(b). He pointed the tip toward § 87(2)(b) face. PO Velez asked § 87(2)(b) "What is on your face?" § 87(2)(b) told him it was a piercing and PO Velez asked, "Do you want me to take that off?" § 87(2)(b) replied, "Ok, no, it's my piercing." PO Velez asked § 87(2)(b) if she liked getting "beaten up," and possibly asked if she liked getting "slapped" and "feeling pain." She told him, "No." PO Velez walked away.

PO Velez did not recall this incident even when provided a brief narrative of the alleged incident, alleged victim descriptions, and related police documentation (BR 06). On the day of the incident, PO Velez was in full uniform with a duty belt, gun, taser, pepper spray, flashlight, gloves, asp, and vest. He did not initially recall any other equipment he carried. When asked if he carried a utility knife or other tools, PO Velez stated he occasionally carries a Leatherman, which is a tool knife including foldable scissors, screwdriver, a nail filer, and a knife. He usually carries the Leatherman on a key chain on the right side of his hip. PO Velez stated he usually has it, but "most likely" did not have it on the incident date. He carries it for no specific reason other than out of habit. He did not have it with him during his CCRB interview. PO Velez did not recall speaking to any employee at the pharmacy. PO Velez stated he did not take any tools off his belt during the incident, including his Leatherman, and did not present his knife or other similar tool to a CVS employee. When presented the above-referenced footage, PO Velez identified himself but did not recognize the events or § 87(2)(b). He observed himself touch his face but did not know why or what he was stating at the time. PO Velez observed himself take out his Leatherman and show it to § 87(2)(b). PO Velez could not identify which specific tool he took out, stating it looked like the knife or the nail filer or possibly tweezers. He did not know why he took out his Leatherman and did have a reason for why he would have. PO Velez stated he sometimes uses his knife to clean his fingernails. He admitted that he did not see himself cleaning his fingernails in the footage. He could not speak to any conversation he had during those depicted events. PO Velez could not

explain the discrepancy between the video evidence and his earlier testimony in which he stated he had no conversation with an employee at the pharmacy nor took out his Leatherman.

PO Frost and PO Velez responded to the CVS regarding an alleged shoplifting incident. They were greeted by § 87(2)(b) a CVS front store associate, in the vestibule. She provided a description of the suspect before they all canvassed the area for the suspect. Afterwards, PO Frost and PO Velez entered the CVS pharmacy to complete a report documenting the incident. PO Frost had no independent recollection of what he did once inside the CVS. PO Frost did not recall any interactions PO Velez had with any civilians of the CVS employees.

Force may be used by an officer to ensure the safety of a member of another individual or when it is reasonable to gain control or custody of an individual NYPD Patrol Guide Procedure 221-01 (BR 08). Officers are committed to treating every citizen with compassion, courtesy, professionalism, and respect NYPD Patrol Guide Procedure 200-02 (BR 09).

The sequence of events captured in the above-reference video evidence corroborates § 87(2)(b) allegations against PO Velez. PO Velez did not recall his interaction with § 87(2)(b) until presented with this footage. When asked to explain his actions as depicted in the footage, he was unable to do so. § 87(2)(g)

Allegation D – Discourtesy: Police Officer Jason Velez acted discourteously toward

§ 87(2)(b)

Allegation E – Discourtesy: Police Officer Jason Velez spoke discourteously to

§ 87(2)(b)

Footage from the "Register 4 5" surveillance camera at the CVS partially captures these allegations (BR 01). It does not have audio. The on-screen timestamps will be referenced due to lack of durational timestamp in the player. At 10:50:45 AM, § 87(2)(b) goes behind the register and appears to process a customer's purchase. At 10:51:10 AM, PO Velez approaches her on the right side of the registers. He appears to speak to the customer briefly and turns his face to § 87(2)(b). They are separated by a plastic partition. At 10:51:28 AM, PO Velez pokes the plastic partition several times with his finger pointed toward § 87(2)(b). She continues working the register and PO Velez moves right out of the frame. Until 10:54:00 AM, PO Velez appears to parallel § 87(2)(b) movements on the other side of the counter as she is behind the registers. The pertinent footage is also found in a video clip extracted from the original source using the SnagIt Application (BR 10).

§ 87(2)(b) was working as a Front Store Associate when her coworker, § 87(2)(b) observed a shoplifter and called 911 (BR 11-12). After canvassing the area with PO Frost and PO Velez, she returned with both officers to complete police paperwork. § 87(2)(b) stood with their manager, § 87(2)(b) and the officers by the front of the store as § 87(2)(b) stood by the entrance to greet customers as they entered. Approximately one minute after entering the CVS, PO Velez approached § 87(2)(b). He initially stared at § 87(2)(b) without saying anything before telling her she should deal with shoplifters by assaulting them. He explained it was fine for him to assault those who did not comply with his orders and that it was okay to use excessive force. PO Velez elaborated that it was fine to pepper spray and tase people if they were not wearing a face mask during the COVID-19 pandemic, do not listen to police officers, or if he did not like what they were doing. § 87(2)(b) was trying to greet customers and felt uncomfortable that PO Velez was condoning violence to her but interpreted it as an attempt at humor, so she forced laughter. After telling him she thought he was wrong a few times, she jokingly stated that maybe PO Velez should not be a police officer. § 87(2)(b) stood with her arms crossed. Every time she laughed or disagreed with him, PO Velez would place his right hand lightly on her left arm near her elbow for less than a second and tell her, "You're so cute," which occurred approximately four or five times. She interpreted these gestures as flirtation. At some point, PO Velez mentioned he was Puerto Rican and had been in the United States Marine Corps.

PO Velez statements condoning violence made § 87(2)(b) uncomfortable because she thought they were wrong on a moral level. PO Velez's touching made § 87(2)(b) uncomfortable because it was unprofessional, and they were not friends or familiar with each other. § 87(2)(b) believed PO Velez was making sexual advances toward her. PO Velez asked without context for § 87(2)(b) ethnicity. § 87(2)(b) did not feel comfortable with the personal question but told him she was Asian. PO Velez told her she was "beautiful." She believed PO Velez used flattery to make her feel more at ease and attracted to him. He asked § 87(2)(b) to touch his bulletproof vest to feel how hard it was. § 87(2)(b) felt this was inappropriate but after hesitating, touched his vest. She believed he asked her to do so because was trying to flirt with her and impress her to make her more attracted to him. § 87(2)(b) uncomfortable with the attention and statements from PO Velez, continuously went to help customers as they entered. Each time a customer left her; PO Velez would resume his conversation with § 87(2)(b). After approximately ten minutes of speaking with PO Velez, § 87(2)(b) went to a register to process a customer's transaction.

§ 87(2)(b) another Front Store Associate, completed paperwork with PO Frost approximately 10 to 15 feet from the front entrance (BR 13). § 87(2)(b) stood by the self-checkout area, five to seven feet away from § 87(2)(b) and PO Frost. § 87(2)(b) observed PO Velez talking to § 87(2)(b) there but did not initially notice anything significant. After approximately eight minutes, § 87(2)(b) noticed that PO Velez was standing approximately two inches away from § 87(2)(b) as they spoke. § 87(2)(b) moved a few feet toward § 87(2)(b) to attend to some merchandise and heard PO Velez tell § 87(2)(b) something along the lines of, "I am tired of all these thieves... We need to attack them" and that § 87(2)(b) should be his backup to "pummel" them. § 87(2)(b) laughed awkwardly and told him she did not want to do § 87(2)(b) continued completing the paperwork with PO Frost, which took 15 to 20 minutes all together. Throughout that time, § 87(2)(b) moved to various locations in the front of the store and PO Velez followed her, and continued to speak with her in close proximity, even when § 87(2)(b) assisted customers. PO Frost tried multiple times to get PO Velez's attention by calling out his name, but PO Velez never § 87(2)(b) escorted PO Frost to the exit where PO Velez was speaking to § 87(2)(b). PO Velez left with PO Frost and told § 87(2)(b) "I'll be back just for you." PO Frost told PO Velez, "No, you're not," and both officers exited the store. Soon after, § 87(2)(b) spoke with § 87(2)(b) and § 87(2)(b) and told them she did not know PO Velez and that he "creeped her out" and made her feel uncomfortable. She told them PO Velez poked her arm multiple times in a familiar manner.

§ 87(2)(b) was the manager of the CVS at the time of the incident and stated he also assisted § 87(2)(b) and PO Frost with paperwork (BR 14). PO Velez and § 87(2)(b) spoke to each other by the front entrance. It took approximately 10 to 15 minutes for PO Frost to complete the paperwork, throughout which PO Velez spoke to § 87(2)(b). § 87(2)(b) never heard what they spoke about but heard both laughing at some point. PO Velez followed § 87(2)(b) as she went to help a customer, which § 87(2)(b) found strange because he continued to remain so close to her even while she was doing her job-related tasks. He observed no physical interaction between them. When PO Frost finished the paperwork and he, § 87(2)(b) and § 87(2)(b) went to PO Velez by the entrance, § 87(2)(b) walked away. PO Velez turned his body as if to follow her and PO Frost told him, "Come on, leave her alone." Both officers left. Soon after, § 87(2)(b) went downstairs to § 87(2)(b) apparently flustered as she had hurried movements and spoke quickly when she asked to go to lunch. When § 87(2)(b) returned, she spoke to § 87(2)(b) visibly upset, fidgeting with her hands and crying at some points, telling him that she felt very uncomfortable with her interaction with PO Velez because he referenced her looks multiple times, calling her pretty and beautiful, and told her he could make her famous. He also continuously stood very close to her and followed her even when § 87(2)(b) stepped backward. He also touched her arm multiple times in a familiar manner. § 87(2)(b) told him she felt harassed and like she could not get away from him.

PO Velez did not recall this incident, § 87(2)(b) or any conversation he had with CVS employees. When presented with her description, PO Velez did not recall § 87(2)(b). He did not discuss with her using force against shoplifters, or that she could be his partner or assist him. PO Velez did not tell § 87(2)(b) she was cute. He did not ask her about her ethnic or racial background. He did not tell § 87(2)(b) that she was beautiful. He made no remarks on any CVS employee's physical appearance. PO Velez stated no employee touched his bulletproof vest and did not ask anyone to do so. PO Velez did not recall initiating any physical interaction with § 87(2)(b) including touching her arm during conversation. He did not recall following any employee within the CVS or speaking to any employees while they were helping customers. PO Velez did not recall telling anyone he was Puerto Rican. He told the investigation that he had served in the United States Marine Corps but did not recall telling § 87(2)(b) that. He did not tell § 87(2)(b) anything to gain her personal interest nor expressed his own personal interest in her. When presented the above-referenced footage, PO Velez identified himself though could not explain why he touched the plastic partition and his earlier testimony was unchanged.

PO Frost did not recall anything specific that PO Velez did inside the CVS during the incident. PO Frost did not monitor PO Velez. PO Velez did not indicate to PO Frost that he had personal interest in any of the CVS employees.

Officers are committed to treating every citizen with compassion, courtesy, professionalism, and respect NYPD Patrol Guide Procedure 200-02.

Video evidence is limited concerning PO Velez's interaction with § 87(2)(b) though he identified himself as approaching § 87(2)(b) at one of the registers as she alleged. PO Velez could not provide any reason for doing so. Civilian testimony was consistent about PO Velez's signification attention given to § 87(2)(b) throughout the incident and the inappropriate nature of that attention. Though PO Velez denied that he would let any civilian touch his vest, PO Frost contradicted this with his own experience of civilians touching his partner's vest. None of the testimony or evidence available to the investigation shows that PO Velez treated § 87(2)(b) with compassion, courtesy, professionalism, or respect. PO Frost could not deny this interaction occurred as he was focused on paperwork during PO Velez's interactions with § 87(2)(b). The interaction § 87(2)(b) described, as partially witnessed by § 87(2)(b) and § 87(2)(b) is probable to have occurred given the depicted event in the video evidence. § 87(2)(g)

§ 87(2)(b) § 87(2)(b) § 87(2)(g)

Allegation F – Discourtesy: Police Officer Jason Velez acted discourteously toward

§ 87(2)(b)

Footage from the "Register 4 5" surveillance camera at the CVS partially captures this allegation (BR 01). The on-screen timestamps will be referenced due to lack of durational timestamp in the player. At 10:50:45 AM, § 87(2)(b) goes behind the register and appears to process a customer's purchase. At 10:51:10 AM, PO Velez approaches her on the right side of the registers. He appears to speak to the customer briefly and turns his face to § 87(2)(b). They are separated by a plastic partition. At 10:51:28 AM, PO Velez pokes the plastic partition several times with his finger pointed toward § 87(2)(b). She continues working the register and PO Velez moves right out of the frame. Until 10:54:00 AM, PO Velez appears to parallel § 87(2)(b) movements on the other side of the counter as she is behind the registers. The pertinent footage is also found in a video clip extracted from the original source using the SnagIt Application (BR 10).

§ 87(2)(b) stated that when went to stand behind a register and a plastic partition, PO Velez stood in front of her, looked at her chest for five to ten seconds and kept interrupting her by repeating her name, "§ 87(2)(b)". This was the first time PO Velez used her name and she believed he read it off her nametag, which was attached to her shirt. She believed PO Velez looked at her nametag and her breasts. She believed he looked at her breasts because he was a "pervert" and was

sexualizing her. § 87(2)(b) asked how she could help him, and PO Velez walked away. As he stared at her chest, he raised his eyebrows up and down. § 87(2)(b) stated the way PO Velez looked at her was “gross” and it made her uncomfortable.

§ 87(2)(b) and § 87(2)(b) observed PO Velez follow § 87(2)(b) to various locations in the front of store but did not testify to witnessing PO Velez look at her breasts.

PO Velez denied looking at § 87(2)(b) breasts during the incident and did not recall any employees with the name, “§ 87(2)(b)”. When presented the above-referenced footage, PO Velez identified himself though could not explain why he touched the plastic partition and his earlier testimony was unchanged.

PO Frost did not see PO Velez moving around the store or following any employee’s movements. PO Frost never told PO Velez to leave any civilians alone for any reason.

The investigation credits § 87(2)(b) testimony that PO Velez spoke with her at the register and looked at her chest, as supported by the video evidence. However, it cannot be determined why PO Velez looked at § 87(2)(b) chest. She testified that she wore a nametag on her shirt and PO Velez repeated her name at the time it was alleged he looked at her breasts. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation G – Discourtesy: Police Officer Jason Velez acted discourteously toward

§ 87(2)(b)

Footage from the “Register 4 5” surveillance camera at the CVS partially captures this allegation (BR 01). The on-screen timestamps will be referenced due to lack of durational timestamp in the player. At 2:46:28 PM, § 87(2)(b) walks from the left side of the frame to the right-most register. PO Velez approaches her at the other side of the counter. At 2:46:32 PM, as § 87(2)(b) uses a computer at the register, PO Velez reaches his left hand through a lower gap in a plastic partition hung above the counter. He brings his hand back to his person after a few seconds. § 87(2)(b) places her hands in front her chest with her palms toward PO Velez. § 87(2)(b) walks to the left, exiting the frame at 2:46:44 PM, and PO Velez walks in the same direction. From 2:46:58 to 2:47:11, § 87(2)(b) walks back behind the register. PO Velez moves in the same directions and begins to approach § 87(2)(b). She walks left and out of frame again and PO Velez walks in the same direction on the other side of the counter. The pertinent footage is also found in a video clip extracted from the original source using the SnagIt Application (BR 15). Footage from the “Front Door” surveillance camera at the CVS from 2:49:11 PM to 3:08:42 PM captures PO Velez loitering in the vestibule and front area of the store until exiting (BR 01), also found in a video clip extracted from the original source using the SnagIt Application (BR 16).

§ 87(2)(b) stated that, as PO Frost completed the report with § 87(2)(b), PO Velez approached her again, but PO Frost told him to leave her alone. PO Velez stepped away and a minute later he approached § 87(2)(b) again and whispered in her ear, “That’s my big boss, he told me I have to leave you alone but I’m going to come back and talk to you later.” PO Velez rejoined PO Frost and after they finished speaking to § 87(2)(b), both officers left. At approximately 2:45 p.m., § 87(2)(b) was by the self-checkout area when she saw PO Velez enter the CVS. He told her loudly, § 87(2)(b). She immediately went behind a register and plastic partition that left a gap above the counter. PO Velez approached § 87(2)(b) and told her, “I can see you § 87(2)(b), you can’t hide from me. Let’s talk.” § 87(2)(b) believed PO Velez did not return to the CVS with any law enforcement purpose. She believed he wanted something sexual based on his earlier comments. § 87(2)(b) requested over the loudspeaker system for a coworker to come to the front of the store because she felt scared by PO Velez’s presence due to his

earlier comments and touches. § 87(2)(b) tried to act busy so that PO Velez would leave, and she walked around behind the register. PO Velez followed her movements so that he was always directly across the counter from her. PO Velez reached his right hand under the partition toward her while opening and closing his hand. § 87(2)(b) believed he was trying to grab her hand because PO Velez placed his hand on the counter where § 87(2)(b) places her own hand when handing change to customers. However, she was out of his reach and did not need to move to avoid his touch. § 87(2)(b) believed PO Velez tried to grab her hand as a form of flirting and as a sexual advance. She told PO Velez multiple times at the counter to leave her alone because she was busy. This was the first time she told him to leave her alone. She requested a coworker again over the intercom. PO Velez removed his hand after a few seconds and asked if he could at least use the bathroom. § 87(2)(b) told him no, she was busy, and not to talk to her. She then walked out from behind the register toward the back of the store so she could go to the manager's office. PO Velez stomped his foot and made a raised fist in front of his face, saying, "Come on § 87(2)(b) we're friends." § 87(2)(b) believed he was trying to make joke about physically threatening her, but it scared her in combination with the aforementioned behavior. There was no one else nearby the registers when PO Velez returned. PO Velez followed § 87(2)(b) for a few steps, telling her, "Come on § 87(2)(b) we're friends, you're my partner, you can be my detective, I can make you famous." § 87(2)(b) just kept walking and stating no, she was busy, and to leave her alone. She believed he told her this to put her at ease and make her feel important so that she would be attracted to him. § 87(2)(b) continued to the back of the store to an employee-only area and left PO Velez. She told § 87(2)(b) what happened. § 87(2)(b) left her in his office and after a couple of minutes returned with § 87(2)(b). They all checked the cameras and saw PO Velez pacing back and forth outside the entrance of the store. § 87(2)(b) texted her boyfriend to escort her from work and when he came, they left with § 87(2)(b) hood up so that PO Velez would not recognize her. She did not believe he did, and they had no further interactions. She noticed a police vehicle in front of the CVS with PO Frost in the driver's seat.

§ 87(2)(b) and § 87(2)(b) did not observe these allegations directly. § 87(2)(b) heard § 87(2)(b) request over the loudspeaker and went to the main floor. § 87(2)(b) had already gone downstairs, but § 87(2)(b) observed PO Velez milling around the aisles and he asked § 87(2)(b) to use the bathroom. § 87(2)(b) told her colleague, § 87(2)(b) to cover the register while § 87(2)(b) escorted PO Velez downstairs to the bathroom. As PO Velez used the bathroom, § 87(2)(b) looked in the manager's office. Both she and § 87(2)(b) described § 87(2)(b) as upset, crying, and asking why PO Velez had returned, stating he made her very uncomfortable. § 87(2)(b) escorted PO Velez back upstairs and returned to the office to check the surveillance cameras. Both § 87(2)(b) and § 87(2)(b) observed via the surveillance cameras PO Velez walk around the store and loiter in the front vestibule for some time before leaving.

§ 87(2)(b) worked as a Front Store Associate at the CVS at the time of the incident and covered the registers area after § 87(2)(b) told her to work there (BR 17). She observed PO Velez loitering in the vestibule, and he approached her. He asked how she was, and § 87(2)(b) told him she was fine. PO Velez asked for § 87(2)(b) as he had been speaking to her earlier. § 87(2)(b) told him she did not know where she was. PO Velez spoke to § 87(2)(b) for a few minutes, stating § 87(2)(b) could be his "partner in crime," and that she could help him with "laying someone on the floor." He dropped his shoulder as he said the latter, as if gesturing how he would take someone down to the ground. § 87(2)(b) giggled, but felt uncomfortable with the violent talk. After speaking to § 87(2)(b) PO Velez walked around the store until loitering again in the vestibule for a few minutes and left.

PO Velez stated he and PO Frost returned to the front of the CVS at 2:45 p.m. in their police vehicle to remain in the vicinity for any potential larcenies or other crimes. He did not recall if he entered the CVS, but the only reason he would have to enter would be to use the bathroom, which is not public and requires asking an employee to use the facilities. PO Velez estimated he and PO Frost were there for up to 40 minutes and did not recall anything specific he did within that

time. He did not recall speaking to any CVS employees, or following them in the store. PO Velez denied reaching under a plastic partition at a counter or reach toward any employees as if to grab them. No employee told him to leave them alone. PO Velez did not tell any employees that they could be friends or partners, he could make them famous, or they could help him lay anyone on the floor. No employee at the CVS ever told him to leave them alone. When presented the above-referenced footage, PO Velez did not recognize the events or any depicted employee, but he recognized himself. He saw himself place his hand across the counter under the plastic partition. He might have tried to initiate a physical interaction with § 87(2)(b) to let her know he needed to use the bathroom, but he was not certain. He did not recall spending approximately 16 minutes inside the vestibule afterward, but stated he did not do so to have a personal conversation with any employees and that he likely stayed for security as the chance of a second larceny after an initial crime is elevated.

PO Frost did not recall returning to the CVS with PO Velez, but stated it was possible they returned for a directed patrol outside in their vehicle due to the high frequency of shoplifting there. Such directed patrols are conducted daily in front of the CVS. The only reasons PO Frost identified for officers entering the CVS were to use the bathroom or get a snack or drink. Usually officers sit in their vehicle across the street. Officers would only go inside to use the restroom.

Officers are committed to treating every citizen with compassion, courtesy, professionalism, and respect NYPD Patrol Guide Procedure 200-02.

Video evidence corroborated § 87(2)(b) allegation that PO Velez tried to grab her, and though he identified himself doing so he could not explain why. Civilian testimony was consistent about § 87(2)(b) distress and discomfort due to PO Velez's actions and statements. § 87(2)(b) though not a direct witness to these allegations, described a similar interaction she had with PO Velez when he used nearly identical language to that he used when refusing to leave § 87(2)(b) despite her repeated protests, as he followed her around the store. No testimony indicates PO Velez entered the CVS a second time for any law enforcement purpose, and his stay and actions within the CVS exceeded anything necessary to use the bathroom. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 18).
- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 19).
- PO Velez has been a member of service for 17 years and has been subject of two other allegations in two other CCRB complaints with no substantiations (see officer history):
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On December 29, 2020, the Office of the New York City Comptroller confirmed that no related Notices of Claim had been filed (BR 20).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 11

Investigator: Benjamin Shelton Inv. Benjamin Shelton 4/19/21
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 04/19/21
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date